

2-11-02

A

02/07/02  
J1025 U.S. PTO

CERTIFICATE OF EXPRESS MAIL	
NUMBER	EL 780052768 US
DATE OF DEPOSIT	February 7, 2002

J1017 U.S. PTO  
10/072320  
02/07/02

PATENT

#3/A  
5-13-02  
RP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: NANO:002USD1

Prior Application Examiner:  
Dewitty, Robert M.

Classification Designation:  
Unknown

Prior Group Art Unit: 1616

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/748,133 filed December 27, 2000, entitled "pH-SENSITIVE MUCOADHESIVE FILM-FORMING GELS AND WAX-FILM COMPOSITES SUITABLE FOR TOPICAL AND MUCOSAL DELIVERY OF MOLECULES."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/748,133 as originally filed, including Specification, Claims, and Drawings. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such

willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/748,133.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number \_\_\_\_\_, filed \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No. \_\_\_\_\_

☐ 2. The Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$424.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$370.00
Total Claims	26 - 20 =	6 X	\$9.00 =	\$54.00
Independent Claims	1 - 3 =	0 X	\$42.00 =	\$ .00
Multiple Dependent Claim(s) -----				\$-0-.00

			TOTAL FILING FEES:	\$424.00
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE

- ☒ 4. Applicants are entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski L.L.P. Account No.: 50-1212/08010548/NANO:002USD1/JJB.
- ☒ 6. Enclosed is a copy of the current Inventors' Declaration and Power of Attorney in the prior application.

- ☒ 7. Address all future communications to:

David L. Parker, Esq. ✓  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: 512/536-3055

- ☒ 8. The prior application and this application are presently assigned to UNIVERSITY OF KENTUCKY RESEARCH FOUNDATION.

- ☐ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

- ☒ 10. Cancel in this application claims 1-32 and 59-62 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

- ☒ 11. Amend the specification by inserting before the first line the sentence: This application is a divisional of, and claims a benefit of priority under 35 U.S.C. § 120 from, co-pending application Serial No. 09/748,133 filed December 27, 2000--.

- ☐ 12. Enclosed are formal drawings.

- ☒ 13. An Information Disclosure Statement (IDS) is enclosed.

- ☒ (a) PTO-1449.

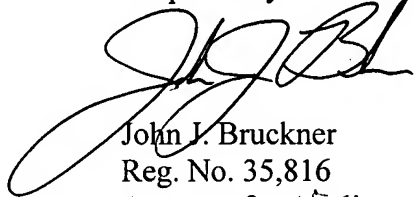
- ☒ (b) Copies of IDS citations are available in parent application Serial No. 09/748,133 from which priority is claimed in this divisional. **Therefore, copies of these citations are not required in this divisional application.**

- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. \_\_\_\_\_ filed \_\_\_\_\_. Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

☐ 15. Other: \_\_\_\_\_.

☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



John J. Bruckner  
Reg. No. 35,816  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: 512/536-3088

Date: February 7, 2002